

Senate File 148

S-3015

1 Amend Senate File 148 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 DAMAGE AWARDS AGAINST HEALTH CARE PROVIDERS

6 Section 1. Section 147.136A, subsection 1, paragraph b,  
7 Code 2023, is amended to read as follows:

8 b. (1) "*Noneconomic damages*" means damages arising from  
9 pain, suffering, inconvenience, physical impairment, mental  
10 anguish, emotional pain and suffering, loss of chance, loss of  
11 consortium, or any other nonpecuniary damages.

12 (2) "*Noneconomic damages*" does not include the loss of  
13 dependent care, including the loss of child care, due to the  
14 death of or severe injury to a spouse or parent who is the  
15 primary caregiver of a child under the age of eighteen or a  
16 disabled adult. Such damages shall be considered economic  
17 damages.

18 Sec. 2. Section 147.136A, subsection 2, Code 2023, is  
19 amended to read as follows:

20 2. The Subject to subsection 4, the total amount recoverable  
21 in any civil action for noneconomic damages for personal injury  
22 or death, whether in tort, contract, or otherwise, against a  
23 health care provider shall be limited to two hundred fifty  
24 thousand dollars for any occurrence resulting in injury or  
25 death of a patient regardless of the number of plaintiffs,  
26 derivative claims, theories of liability, or defendants in  
27 the civil action, shall not exceed two hundred fifty thousand  
28 dollars unless the jury determines that there is a substantial  
29 or permanent loss or impairment of a bodily function,  
30 substantial disfigurement, loss of pregnancy, or death, which  
31 warrants a finding that imposition of such a limitation would  
32 deprive the plaintiff of just compensation for the injuries  
33 sustained, in which case the amount recoverable shall not  
34 exceed one million dollars, or two million dollars if the civil  
35 action includes a hospital as defined in section 135B.1.

1     Sec. 3. Section 147.136A, Code 2023, is amended by adding  
2 the following new subsection:

3     NEW SUBSECTION. 4. The limitations on damages contained  
4 in subsection 2 shall increase by two and one-tenth percent  
5 on January 1, 2028, and each January 1 thereafter. In any  
6 civil action described in this section, such limitations on  
7 damages shall be the amount effective at the time of the  
8 occurrence. The commissioner of insurance shall publish the  
9 amount of the limitations on damages contained in this section  
10 on the insurance division's internet site and shall update the  
11 published amount annually.

12     Sec. 4. Section 668A.1, subsection 2, paragraphs a and b,  
13 Code 2023, are amended to read as follows:

14     a. If the answer or finding pursuant to [subsection 1](#),  
15 paragraph "b", is affirmative, or if the claim is against any  
16 physician and surgeon, osteopathic physician and surgeon,  
17 dentist, podiatric physician, optometrist, pharmacist,  
18 chiropractor, physician assistant, or nurse, licensed under  
19 chapter 147, or a hospital licensed under chapter 135B, arising  
20 out of patient care, then the full amount of the punitive or  
21 exemplary damages awarded shall be paid to the claimant.

22     b. If the answer or finding pursuant to [subsection 1](#),  
23 paragraph "b", is negative, and if the claim is not against  
24 any physician and surgeon, osteopathic physician and surgeon,  
25 dentist, podiatric physician, optometrist, pharmacist,  
26 chiropractor, physician assistant, or nurse, licensed under  
27 chapter 147, or a hospital licensed under chapter 135B, arising  
28 out of patient care, then after payment of all applicable  
29 costs and fees, an amount not to exceed twenty-five percent  
30 of the punitive or exemplary damages awarded may be ordered  
31 paid to the claimant, with the remainder of the award to be  
32 ordered paid into a civil reparations trust fund administered  
33 by the state court administrator. Funds placed in the civil  
34 reparations trust shall be under the control and supervision of  
35 the executive council, and shall be disbursed only for purposes

1 of indigent civil litigation programs or insurance assistance  
2 programs.

3 Sec. 5. EFFECTIVE DATE. This division of this Act, being  
4 deemed of immediate importance, takes effect upon enactment.

5 Sec. 6. APPLICABILITY. This division of this Act applies to  
6 causes of action accrued on or after the effective date of this  
7 division of this Act.

8 DIVISION II

9 MEDICAL ERROR TASK FORCE

10 Sec. 7. MEDICAL ERROR TASK FORCE.

11 1. The department of health and human services shall  
12 convene a task force to review medical error rates of licensed  
13 physicians in this state and shall make recommendations to the  
14 general assembly and the director of health and human services  
15 including recommendations that address options for reducing  
16 medical error rates, improvements in education and training  
17 to minimize medical errors, and whether applicable penalties  
18 for medical errors and physician licensure review measures are  
19 sufficient.

20 2. a. The task force shall include all of the following  
21 voting members:

22 (1) The director of health and human services, or the  
23 director's designee.

24 (2) The director of inspections and appeals, or the  
25 director's designee.

26 (3) The executive director of the board of medicine.

27 (4) The ombudsman.

28 (5) A representative of the Iowa medical society.

29 (6) A representative of the board of regents affiliated with  
30 the university of Iowa hospitals and clinics.

31 (7) The commissioner of insurance, or the commissioner's  
32 designee.

33 (8) The attorney general, or the attorney general's  
34 designee.

35 b. The task force shall also include four members of the

1 general assembly serving as ex officio, nonvoting members, one  
2 representative to be appointed by the speaker of the house of  
3 representatives, one representative to be appointed by the  
4 minority leader of the house of representatives, one senator to  
5 be appointed by the president of the senate after consultation  
6 with the majority leader of the senate, and one senator to be  
7 appointed by the minority leader of the senate.

8 c. The director of health and human services, or the  
9 director's designee, may add members to the task force as  
10 necessary to complete the work of the task force.

11 3. The department of health and human services shall provide  
12 administrative support to the task force. The director of  
13 health and human services, or the director's designee, shall  
14 serve as chairperson of the task force, and shall schedule  
15 meetings of the task force as necessary to complete the work  
16 of the task force.

17 4. The task force shall dissolve upon submission of the  
18 report to the general assembly and the director of health and  
19 human services, but no later than January 8, 2024.>

20 2. Title page, line 1, by striking <noneconomic>

21 3. Title page, line 2, after <providers,> by inserting  
22 <creating a medical error task force,>

---

JASON SCHULTZ